



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029



SDMS DocID 2172621

ORIGINAL

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 25 2014

Delaware County Solid Waste Authority
 Joseph W. Vasuria, PE, Executive Director
 Government Center, Room 202
 201 W. Front Street
 Media, PA 19063

**Re: -Overdue Response to Required Submission of Information
 - Lower Darby Creek Area Superfund Site,
 Operable Unit 1 - Clearview Landfill
 Darby Township, Delaware County and Philadelphia, Pennsylvania**

Dear Mr. Vasuria:

On December 18, 2013, the U.S. Environmental Protection Agency ("EPA") issued a letter (copy of which is enclosed) to the Delaware County Solid Waste Authority ("DCSWA" or "you") requiring the provision of information and/or documents relating to the above-referenced Site, pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, ("CERCLA"), 42 U.S.C. § 9604(e)(2) ("Information Request"). The DCSWA's response was due within thirty (30) calendar days of its receipt. According to the attached Certified Mail Receipt, DCSWA received the Information Request on December 23, 2013. Accordingly DCSWA's response was due by January 22, 2014. EPA has not yet received DCSWA's response.

DCSWA must provide all requested documents as well as a separate and complete narrative response to each and every question contained in EPA's December 18, 2013 Information Request no later than **March 7, 2014**. This extended response period is not to be construed as an extension of the original deadline and does not excuse any violation for failure to respond to the initial Information Request.

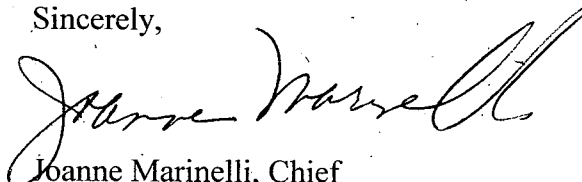
EPA has both administrative and judicial alternatives to compel DCSWA to answer its December 18, 2013 Information Request. Please provide the requested information no later than **March 7, 2014** to avoid such action.

All documents and information should be submitted to:

Ms. Carlyn Winter Prisk (3HS62)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Ms. Prisk at (215) 814-2625 or have your attorney contact Bonnie Pugh, at (215) 814-2680.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch

Enclosures: December 18, 2013 Information Request

cc: Bonnie Pugh (3RC43)
Carlyn Winter Prisk (3HS62)
Noreen Wagner (PADEP)
Benjamin Stonelake, Esq. (stonelake@blankrome.com)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Delaware County Solid Waste Authority
Marianne Grace, Executive Director
Government Center, Room 202
201 W. Front Street
Media, PA 19063

2. Article Number
(Transfer from service label)

7003 1680 0005 4384 8681

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Pete D'Angelo

☐ Agent
☐ Address

B. Received by (Printed Name)

PETER D'ANGELO

C. Date of Delivery

12-23-

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☒ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ YesU.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Total Price

DEC 18 2013

Postmark
Here

Sent To

Street, A
or PO Box
City, State

Delaware County Solid Waste Authority
Marianne Grace, Executive Director
Government Center, Room 202
201 W. Front Street
Media, PA 19063

PS Form 3800, June 2002

See Reverse for Instructions

7003 1680 0005 4384 8681



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Delaware County Solid Waste Authority
Marianne Grace, Executive Director
Government Center, Room 202
201 W. Front Street
Media, PA 19063

DEC 18 2013

**Re: Required Submission of Information
Lower Darby Creek Area Superfund Site,
Operable Unit 1 - Clearview Landfill
Darby Township, Delaware County and Philadelphia, Pennsylvania**

Dear Ms. Grace:

The U.S. Environmental Protection Agency ("EPA") has received, reviewed, and thanks you for the Delaware County Solid Waste Authority's ("DCSWA's" or "your") previous response to EPA's Information Request letter related to the Lower Darby Creek Area Superfund Site ("Site"). As part of its continuing investigation of the source and extent of contamination at Operable Unit 1 of the Site, commonly referred to as the Clearview Landfill, EPA is seeking additional information concerning DCSWA operation of several incinerators in Delaware County, between 1958 and 1976. The specific information required is attached to this letter as Enclosure E. Further directions regarding your response to this letter can be found in Enclosures A, B, C, and D.

Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), EPA has the authority to require the") to furnish all information and documents in its possession, custody, or control, or in the possession, custody, or control of any of its employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Please respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, DCSWA does not provide all information responsive to this letter, then in its answer to EPA DCSWA should: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

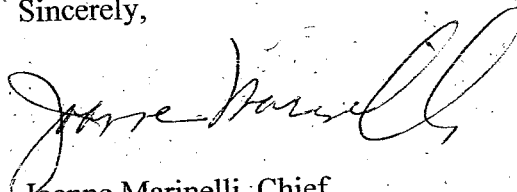
All documents and information should be sent to:

Carlyn Winter Prisk (3HS62)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Ms. Prisk at (215) 814-2625, or have your attorney contact Senior Assistant Regional Counsel Bonnie A. Pugh at (215) 814-2680.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch

Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to
EPA Contractors and Grantees
B. List of Contractors that May Review Your Response
C. Definitions
D. Instructions
E. Information Requested

cc: Bonnie A. Pugh (3RC43)
Maria Goodine (3HS62)
Joshua Barber (3HS21)
Noreen Wagner (PADEP)
Benjamin Stonelake, Esq. (stonelake@blankrome.com)

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 11/2013]

List of Contractors That May Review Your Response

Emergint Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Booz-Allen & Hamilton

Contract # EP-W-11-016

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDI-Infrastructure, LLC d/b/a L.R.
Kimball
Avatar Environmental LLC
Terradon Corporation

Chenega Global Services, LLC

Contract #EP-S3-09-02

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanchuck, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields International, LLC
James C. Hermann & Associated

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Weston Solutions

Contract #EP-S3-1005

Tech Law, Inc.

Contract #EP-S3-1004

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Kemron Environmental Services, Inc.

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,
Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc
Haas Environmental, Inc,
Hertz

WRS Infrastructure & Environment, Inc.

Contract # EP-S3-12-05

ICF International

Contract # EP-BPA-12-W-0003

Cooperative Agreements

12. **National Association of Hispanic Elderly**
CA# CQ-835398

National Older Workers Career Center
CA# Q-835030

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical

deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

The following questions relate to the incinerators operated by DCSWA between 1958 and 1976, unless otherwise specified.

1. For each of the above referenced incinerators provide all information and records in your possession, custody or control for each year beginning on January 1, 1958 and continuing through December 31, 1976, that describe the volume of incinerator residue (ash and other incineration byproducts) transported from each incinerator to the Clearview Landfill a/k/a Heller's Dump ("the Property").
2. State whether the DCSWA directly or indirectly arranged for the disposal of any incinerator ash or residue at the Property. If the answer is yes, for each incinerator that sent ash or residue to the Property:
 - a. Identify the incinerator;
 - b. Identify when such disposal commenced and when it was discontinued;
 - c. Identify how and who transported the residue and ash to the Property;
 - d. Identify how frequently the incinerator sent ash or residue to the Property;
 - e. Identify the volume of ash or residue the incinerator sent to the Property;
3. List all individuals, businesses, or other entities which brought waste to each of the above referenced incinerators between 1958 and 1976. For each of the foregoing, provide all information and records in your possession, custody or control describing the volume of waste each brought to be incinerated, the incinerator to which the waste was brought, and the type and composition of the waste brought for incineration. With regard to the type and composition of the waste brought for incineration, please be sure to include any information which would indicate whether the waste brought for incineration came from institutional, industrial, or commercial operations
4. For each of the above referenced, for the period beginning on January 1, 1958 and continuing through December 31, 1976 provide any information and records in your possession, custody or control that characterizes the physical properties, composition, and constituents of the incinerator residue (ash and other incineration byproducts).
5. Provide any documents pertaining to the disposal of incinerator ash or residue at the property including but not limited to any agreements with the Property's owner(s) and operator(s).

104(e) TRACKING UPDATESFILE USER PRISKEXT. 2625SITE NAME LOWER DARBY CREEK DATE 4/30/14PRP NAME Delaware County Solid Waste DSN PA-3424
AUTHORITY

COMMENTS:

SDMS
LIT HOLD

Please indicate "PFE" or "CBI" on appropriate documents.

REMEDIAL ENFORCEMENT PLANNING**2c CORRESPONDENCE BY PRP**

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses

REMEDIAL ENFORCEMENT IMPLEMENTATION**4a NEGOTIATIONS/SETTLEMENTS**

- ☐ 104(e) Letters re: *De Minimis* Settlement
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses re: *De Minimis* Settlement

REMOVAL ENFORCEMENT PLANNING**7c CORRESPONDENCE BY PRP**

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses



FILE

☐ RETURN TO USER

DATE COMPLETED _____

CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

CERTIFIED MAIL REQUIRED
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

\$

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

--	--

\$

Postmark
Here

Sent To

Street, Apt. No.;
or PO Box No.

City, State, ZIP+4

PS Form 3800, January 2001

See Reverse for Instructions

■ A mailing receipt

■ A unique identifier for your mailpiece

■ A signature upon delivery

■ A record of delivery kept by the Postal Service for two years

Important Reminders:

■ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.

■ Certified Mail is *not* available for any class of international mail.

■ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.

■ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.

■ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".

■ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Delaware Cty. Solid Waste
Joseph Vastura, Exec. Direc
Govt Center, Rm 202
201 W. Front St.
Medra, PA 19063

2. Article Number

(Transfer from service label)

7001 2510 0001 1042 3281

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

Peter D'Angel
PETER D'ANGELO

☐ Agent

☐ Addressee

B. Received by (Printed Name)**C. Date of Delivery****D. Is delivery address different from item 1?**

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10ⁱ

- Sender: Please print your name, address, and ZIP+4 in this box •

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

1650 ARCH STREET

(Mail Code 3HS68 PRISK)
PHILADELPHIA, PA 19103-2029

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300**

